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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA,

Plaintiff,

V.

Roberto RIVERA-Dosal,

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF ¹⁹⁸ CITY

Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **January 11, 2008**, within the Southern District of California, defendant, **Roberto RIVERA-Dosal**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 14th DAY OF JANUARY
2008.

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**Roberto RIVERA-Dosal****PROBABLE CAUSE STATEMENT**

I declare under the penalty of perjury that the following statement is true and correct:

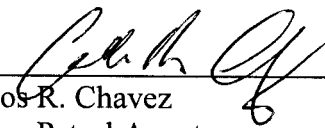
On January 11, 2008, at approximately 1:40 a.m., while performing linewatch operations, Border Patrol Agent A. Munguia observed two individuals crouched down and tampering with the secondary fence just north of the U.S./Mexico International Boundary Fence adjacent to Britannia Boulevard. This area is approximately four miles east of the San Ysidro, California, Port of Entry and is frequently used by undocumented aliens to further their entry into the United States. Alien smuggling organizations frequently damage the border infrastructure in this area in order to facilitate the smuggling of undocumented aliens. In the recent years, this area has also been known to be very violent as there have been numerous agents and aliens alike, injured due to rockings and other forms of assaults.

As Agent Munguia approached the two individuals, he identified himself as a Border Patrol Agent and observed one of the subjects, later identified as the Defendant, RIVERA-Dosal, Roberto, was carrying a battery operated saw. The two individuals immediately attempted to abscond back into Mexico. Agent Munguia observed the Defendant throw the saw back into Mexico over the U.S./Mexico International Boundary Fence as he and the second individual were attempting to return to Mexico. The second individual successfully absconded into Mexico, but Agent Munguia was able to apprehend the Defendant. Agent Munguia conducted an immigration inspection of the Defendant, who freely admitted to being an alien illegally present with no documentation that would allow him to enter or remain in the United States. A brief search of Defendant's person revealed that he was carrying, among other personal items, three cell phones and a screw driver. At approximately 1:45 a.m., Agent Munguia arrested the Defendant, and transported him to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on June 22, 2007 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The Defendant was advised of his Miranda Rights. The Defendant stated that he understood his Miranda Rights and was willing to speak to Agents without an attorney present. The Defendant freely admitted to being a citizen and national of Mexico without the proper immigration documents to enter or remain in the United States. The Defendant further stated that this was not his first attempt to illegally enter into the United States and that he had no immigration petitions pending in his behalf.

Executed on January 12, 2008 at 10:00 A.M.



Carlos R. Chavez
Senior Patrol Agent

CONTINUATION OF COMPLAINT:

Roberto RIVERA-Dosal

On the basis of the facts presented in the probable cause statement consisting of 1 page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **January 11, 2008** in violation of Title 8, United States Code, Section **1326**.



Nita L. Stormes

United States Magistrate Judge

1-12-08 @ 10:38 AM

Date/Time